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13 PATAGONIA, INC.

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION – LOS ANGELES**

17 PATAGONIA, INC.,

18 Plaintiffs,

19 v.

20 KINSEY LINN KARPOWICZ,

21 Defendant.

Case No. 2:18-cv-03868 FMO (RAOx)

**FINAL JUDGMENT AND
PERMANENT INJUNCTION AS
TO KINSEY LINN KARPOWICZ**

22 Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging
23 counterfeiting, trademark infringement, unfair competition, and copyright
24 infringement under federal law against co-defendant Kinsey Linn Karpowicz. Ms.
25 Karpowicz has imported, promoted, distributed, offered, and sold apparel products,
26 bearing one or more identical or substantially indistinguishable imitations of
27 Patagonia’s federally registered marks (the “Counterfeit Products”) using social
28 media, including Facebook user accounts or Facebook Groups. Ms. Karpowicz
consents to entry of judgment and permanent injunction to resolve this matter.

The Court now enters final judgment based upon the following undisputed
facts. Each party has waived the right to appeal from this final judgment and each





party will bear its own fees and costs in connection with this action.

I. FACTS AND CONCLUSIONS

A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction over Ms. Karpowicz. Venue is proper in this Court.

B. Patagonia owns numerous registrations for the PATAGONIA trademark, and for its distinctive logo depicting the Mt. Fitz Roy skyline (the “Fitz Roy Design”), for a wide ranging assortment of products. Among these are the following U.S. trademark registrations:

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	1189402/ February 9, 1982	Men’s and Women’s Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear.	08/1974
	1294523/ September 11, 1984	Men’s, Women’s and Children’s Clothing- Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts	08/1974- 1981
	1775623/ June 8, 1993	Luggage back packs, and all-purpose sports bags	08/1988
PATAGONIA	1811334/ December 14, 1993	Luggage, back packs, fanny packs and all- purpose sport bags, foot- wear, ski bags and ski gloves	08/1990
PATAGONIA	2260188/ July 13, 1999	Computerized on-line ordering activities in the field of clothing and acces-	10/1995



Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
		sories; Providing information in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues	
PATAGONIA.COM	2392685/ October 10, 2000	On-line retail store and mail order services featuring technical clothing, footwear, and accessories; Computer services in the nature of on-line information related to the environment and clothing	10/1995
PATAGONIA	2662619/ December 17, 2002	Retail store services featuring clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986

These registrations for the PATAGONIA mark and logos are in full force and effect. The registrations have become incontestable under 15 U.S.C. § 1065. Collectively, these marks, Patagonia's other registered trademarks, and its common law marks are referred to as the "PATAGONIA trademarks." A color image of the Fitz Roy Design follows:



C. Ms. Karpowicz imported, promoted, distributed, offered, and sold



1 approximately 27 units of the Counterfeit Products.

2 **II. PERMANENT INJUNCTION AND AWARD**

3 It is hereby ordered and adjudged as follows:

4 A. Ms. Karpowicz shall pay the sum of \$250.00 to Patagonia within thirty
5 (30) days of entry of this Judgment. Payment shall be made by certified check,
6 payable to “Patagonia, Inc.” and delivered to Patagonia’s counsel of record.

7 B. Commencing as of the “So Ordered” date of this Final Judgment and
8 Permanent Injunction, Ms. Karpowicz, her agents, employees, attorneys, successors,
9 assigns, affiliates, joint ventures, and any person(s) in active concert or participation
10 with her, and/or any person(s) acting for, with, by, through, or under her control
11 who receive actual notice of this Order, are hereby permanently enjoined and
12 restrained, anywhere in the world, directly or indirectly, from doing, authorizing or
13 procuring any persons to do any of the following:

14 1. Manufacturing, producing, sourcing, importing, selling, offering
15 for sale, distributing, advertising, or promoting any goods or services that bear
16 reproductions of the PATAGONIA Trademarks;

17 2. Manufacturing, producing, sourcing, importing, selling, offering
18 for sale, distributing, advertising, or promoting any goods or services that display
19 any words or symbols that so resemble the PATAGONIA trademarks as to be likely
20 to cause confusion, mistake, or deception, on or in connection with any product that
21 is not authorized by or for Patagonia;

22 3. Using any word, term, name, symbol, device, or combination
23 thereof that causes or is likely to cause confusion, mistake, or deception as to the
24 affiliation or association of Ms. Karpowicz or her products with Patagonia or as to
25 the origin of Ms. Karpowicz’s goods, or any false designation of origin, false or
26 misleading description or representation of fact, or any false or misleading
27 advertising;
28



4. Further infringing the rights of Patagonia in and to its PATAGONIA trademarks, or otherwise damaging Patagonia's goodwill or business reputation;

5. Further infringing Patagonia's copyright rights, including its rights in the Fitz Roy Design, or otherwise infringing any of Patagonia's rights under the Copyright Act and any other source of federal or state law;

6. Otherwise competing unfairly with Patagonia in any manner; and

7. Assisting, aiding or abetting any person or entity engaging in or performing any act prohibited by this paragraph.

C. This is a final judgment as to all claims asserted against Ms. Karpowicz related to the Counterfeit Products sold prior to the date of entry of this Final Judgment and Permanent Injunction. Both parties shall bear their own costs.

D. If Ms. Karpowicz is found to be in contempt of this injunction by a court of law, she agrees that she will pay to Patagonia a liquidated penalty in an amount no less than \$15,000.00 as liquidated damages, plus any other non-duplicative penalties or damages arising from the contempt.

E. If Patagonia commences an action for enforcement of this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the other party for both the action enforcing this Judgment and the underlying litigation.

Dated: August 10, 2018

/s/ _____
Hon. Fernando M. Olguin
United States District Judge